IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

W.A.No. 2224 of 2006()

AGAINST THE JUDGEMENT/ORDER IN WPC.24508/2006 Dated 15/11/2006

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APPELLANT: PETITIONER

PRAKASAN.E., H.S.A., IRINGANNUR H.S.S.,
IRINGANNUR P.O., VADAKARA.

BY ADV. SRI.P.A.AUGUSTINE(AREEKATTEL)

RESPONDENTS:
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1. THE MANAGER, IRINGANNUR H.S.S.,
IRINGANNUR P.O., VADAKARA.

2. THE REGIONAL DEPUTY DIRECTOR OF
HIGHER SECONDARY EDUCATION, NORTH ZONE,
KOZHIKODE.

BY ADV. SRI.K.I.MAYANKUTTY MATHER
SMT.S.AMINA
SRI. SANDESH RAJA, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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W.A. NO. 2224 OF 2006

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Dated this the 1st day of February 2007

JUDGMENT

Abdul Gafoor,J

The appellant/writ petitioner claimed for short term vacancy of Higher Secondary School Teacher. But the manager resisted. According to him, there was no practice of appointing leave substitute except to engage guest lecturers. The learned single Judge accepted it and dismissed the writ petition. But at the same time the willingness shown by the Manager that the appellant would be accommodated as and when regular vacancy arises has been recorded. Inspite of that this appeal has been filed contending that the existing short term leave vacancy should have been filled up by temporarily.

2. True, the appellant has been working as a regular high school assistant. He is also qualified for appointment as HSST. But no statutory provision which entitles him for being appointed against short term vacancy nor corresponding liability on the

manager is pointed out. In the absence of such a statutory rights/obligations judgment to the extent impugned cannot be said to be unjustified to interfere with.

The writ appeal is accordingly dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

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